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KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT

PROCEDURE FOR REQUESTING A WAIVER FOR LOCATING A WATER WELL CLOSER THAN 50 FEET FROM A STRUCTURE THAT HAS BEEN TREATED FOR TERMITES

Procedure #: WWP-6

Narrative:

K.A.R. 28-30-8(a) of Article 30--Water Well Contractor's License; Water Well Construction and Abandonment, states "The horizontal distances between the well and the potential source of pollution or contamination such as sewer lines, pressure lines, septic tanks, lateral fields, pit privy, seepage pits, fuel or fertilizer storage, pesticide storage, feed lots or barn yards shall be 50 feet or more as determined by KDHE". The purpose of this ordinance is to outline what is required by the Kansas Department of Health and Environment (KDHE) when requesting a waiver for a water well to be located closer than 50 feet from a structure that has been treated for termites. The following elements should be included in the waiver request. The waiver request will be reviewed by KDHE and the appropriate parties will be notified of KDHE's approval or denial of the waiver request.

Procedure:

1. The waiver request must be submitted to KDHE in writing and shall contain all information relevant to the request, as required under K.A.R. 28-30-9.
2. A thorough and detailed explanation of why a waiver is needed shall be provided. The waiver request must include a thorough description of the pesticide being used to treat for termites and the method of application, as found on container labels. If a company is used to treat for termites the company's name must be included. KDHE, in most cases, will not grant waivers for well(s) to be located less than 50 feet from a termite treated structure when the well owner has adequate space on his property to construct the well to meet the footage requirements or a public water supply is available. For existing well(s) already completed but not having a waiver, water well records (WWC-5 forms) must be received by KDHE prior to KDHE reviewing a waiver request.
3. The well owner's name and address must be provided. The well owner must sign and date the request for waiver.
4. A drawing, sketch or a map must be attached to the request showing the location of the well(s), including footages, and pertinent features in the vicinity such as roads, buildings, parking lots, property lines, etc. The name and addresses of adjacent property owners located within 50 feet from the termite treated structure must be attached to the drawing, sketch or map. The distance and direction to the termite treated structure must also be included on the drawing, sketch or map.
5. The number of well(s) to be covered by the waiver request must be provided.

(Over)

6. The location of the well(s) shall be accurately described using the correct legal description, defining the well(s) to the nearest 10 acre tract. If the proposed well(s) are located on city lots, the well should be described as being in certain lots and subdivisions. The section, township, range and county the well is located should always be on the request.
7. The request should be made 30 days prior to the actual beginning date of the project. The request for a waiver must be pre-approved by the appropriate city health or environmental department, county health or environmental department, groundwater management district and/or the local environmental protection group. Documentation of the pre-approval must be provided with the waiver request.
8. If a waiver is granted by KDHE, a copy of the KDHE letter approving the request shall be sent to KDHE attached to the water well record (WWC-5 form) for the first well drilled under the granted waiver.
9. Upon ceasing use of the well(s) covered by the waiver, the well(s) shall be plugged in accordance with K.A.R. 28-30-7.
10. The decision to grant this waiver will be based almost entirely on the data provided by the entity requesting the waiver. The waiver is to cover only the well(s) referred to in the request and shall become null and void if any of the information submitted in the request is found to be false or if the well(s) are not constructed in strict conformity to Kansas rules and regulations and the requirements of KDHE listed in the approval.